

REMARKS

Applicant has carefully reviewed the Final Office Action mailed October 3, 2008 and offers the following remarks.

Status of the Claims

Claims 11-18, 31, 32, 34-44, and 50-55 are pending in the present application. Claims 19-30 and 45-49 were previously withdrawn. Claims 1-10 and 33 were previously cancelled. No claims are added or cancelled herein. Accordingly, claims 11-18, 31, 32, 34-44, and 50-55 remain pending.

Claim Rejection under 35 U.S.C. § 103 – Mimura and Johnson

Applicant would like to thank Examiner Daftuar for the telephone call on November 19, 2008. During this call, Examiner Daftuar confirmed that claims 11-18, 31, 32, 34-44, and 50-55 are rejected as being obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 7,218,611 B2 to Mimura et al. (hereinafter “Mimura”) and U.S. Patent No. 6,456,234 B1 to Johnson (hereinafter “Johnson”) rather than as being anticipated by Mimura as indicated by the heading and introductory paragraphs of the rejection. As such, the following remarks are made in response to a rejection of claims 11-18, 31, 32, 34-44, and 50-55 in view of Mimura and Johnson.

Claims 11-18, 31, 32, 34-44, and 50-55 were rejected under 35 U.S.C. § 103 as being obvious in view of Mimura and Johnson. Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. M.P.E.P. § 2143.03. If the Patent Office cannot establish obviousness, the claims are allowable.

Mimura generally discloses a system wherein a user remote from their home can remotely direct a recording apparatus in their home to record a television broadcast. The Patent Office relies heavily on specific teachings of col. 20, line 16 through col. 21, line 42, and Figs. 1, 2a, 2b, 4a, 4b, 5a, and 5b of Mimura to reject various elements of Applicant's claimed invention. Col. 20, line 16 through col. 21, line 42 of Mimura discloses an example wherein a user away from their home determines they neglected to schedule a recording of a television program. The user operates an input device to execute a proxy program, wherein a command, a password, and an identifier are sent to a broadcast apparatus. The broadcast apparatus assembles a command

packet from this information and broadcasts the command packet on a broadcast channel. A tuner of a reception apparatus located in the user's home that is tuned to the broadcast channel receives the command packet, verifies that the identifier and password match a pre-stored identifier and password, and, if so, schedules the recording. Fig. 1 of Mimura discloses a system including a broadcast apparatus, a base station, an input device, and a reception apparatus. Figs. 2a and 2b of Mimura disclose a data structure of a proxy request. Figs. 4a, 4b, 5a, and 5b of Mimura disclose a command packet broadcast by the broadcast apparatus.

Johnson teaches a proactive content delivery system. In this system, a delivery content database associated with a server stores a number of content records such as the record stored in Figure 7A. Among other things, each content record includes a location field (704) and a content field (712). The location field (704) includes information defining a location to which the content stored or referenced in the content field (712) will be proactively delivered. The server then delivers the content stored or referenced in the content field (712) to devices located at the location defined by the location field (704).

In contrast to the teachings of Mimura and Johnson, Applicant's invention generally relates to device discovery. According to one embodiment of Applicant's invention, a first device is provided one or more location identifiers, the user selects one of the location identifiers, and then authenticates with the selected location identifier. The first device is then provided one or more device identifiers associated with the selected location.

Regarding claim 11, the Patent Office has admitted that Mimura fails to teach the concept of a location identifier or a list of location identifiers as well as a password or authentication information associated with a location identifier.¹ The Patent Office then goes on to state that Johnson teaches the concept of a location identifier or list of location identifiers and a password associated with a location identifier.² However, even if Johnson teaches a location identifier and a password associated with the location identifier, which Applicant does not concede, the Patent Office must still show that the location identifier and the password associated with the location identifier are used as claimed. As discussed below, even if Johnson teaches a location identifier and a password associated with the location identifier, which Applicant does not concede, the

¹ Final Office Action mailed October 3, 2008, p. 3.

² *Id.* at pp. 3-4.

combination of Mimura and Johnson fails to teach or suggest using the location identifier and password associated with the identifier as claimed.

First, the combination of Mimura and Johnson fails to teach or suggest broadcasting a signal from a first device operative to be received by a second device, the signal including a request for a list of location identifiers. In rejecting claim 11, the Patent Office states that Mimura teaches broadcasting a signal from a first device operative to be received by a second device.³ The Patent Office admits that Mimura fails to teach that the broadcast signal of Mimura does not include a request for a list of location identifiers, and then relies on Johnson to show this element.⁴ Specifically, the Patent Office relied on blocks 704, 718, and 720 of Figure 7A of Johnson and stated that “Johnson clearly discloses server locating and recording location and movement of particular device with activation and authorization ID.”⁵ As discussed above, Figure 7A of Johnson illustrates a record in a delivery content database for a content item. The record includes a location field (704), a delivery activation setting(s) field (718), and an authorization ID field (720). The location field (704) defines a location such that the server proactively delivers the content stored in or referenced by the content field (712) of the record to devices located at the defined location. The delivery activation setting(s) field (718) defines when the content is to be delivered. The authorization ID field (720) includes a handle to the user who created the record, where the handle may be a password. In operation, Johnson teaches that a server (SDPS) proactively delivers content to devices (RDPSs) located in a location defined for that content in an associated record (700). Thus, Johnson teaches that the server (SDPS) determines the location of a particular device (RDPS). The server (SDPS) then examines the content records (700) of available content to identify content records (700) having location fields (704) that match the location of the device (RDPS). The content for the identified content records (700) is then proactively delivered to the device (RDPS). However, while Johnson does teach the use of location to provide proactive delivery of content, Johnson fails to teach that the server (SDPS) broadcasts a request to the devices (RDPSs) for a list of location identifiers. As such, the combination of Mimura and Johnson fails to teach this element of claim 11.

³ *Id.* at p. 3.

⁴ *Ibid.*

⁵ *Id.* at pp. 3 and 4.

Second, the combination of Mimura and Johnson fails to teach or suggest transmitting from the first device a password associated with at least one location identifier received and selected by the first device. As discussed above, in order to enable a user to remotely program his recording device, Mimura teaches that a command, password, and device identifier are broadcast by a broadcast apparatus in response to a proxy request from the user. The tuner of the user's reception apparatus is tuned to the broadcast channel and operates to compare the password and device identifier to a stored password and a stored device identifier. If they match, then the command is executed to schedule the desired recording. However, the password broadcast from the broadcast apparatus in Mimura is not associated with a location identifier. Rather, the password in Mimura is associated with a device identifier. Johnson fails to correct this deficiency. Specifically, even if the location in the record (700) or the location of a device to which content is to be delivered in Johnson is read as the claimed location identifier and the authorization ID (720) in the record (700) of Johnson is read as the claimed password associated with the location, nothing in Mimura or Johnson teaches or suggests that either the broadcast apparatus of Mimura or the server (SDPS) of Johnson transmits a password associated with a location identifier.

Third, the combination of Mimura and Johnson fails to teach or suggest receiving, at the first device, at least one device identifier identifying a device associated with the at least one location identifier. While Mimura discloses that the broadcast apparatus receives a proxy request from a user that includes a device identifier of a recording apparatus of the user, Mimura fails to teach that the broadcast apparatus receives a device identifier identifying a device associated with a location identifier. Contrary to the position taken by the Patent Office, Johnson fails to correct this deficiency. Specifically, even if the even if the location in the record (700) or the location of a device to which content is to be delivered in Johnson is read as the claimed location identifier, nothing in Mimura or Johnson teaches or suggests that either the broadcast apparatus of Mimura or the server (SDPS) of Johnson receives a device identifier identifying a device associated with a location identifier previously received and selected.

Since the combination of Mimura and Johnson fails to teach or suggest each and every element of claim 11, claim 11 is allowable. Further, since claim 11 is allowable, claims 12-18, and dependent claims ultimately based upon claim 11, are also allowable. However, Applicant reserves the right to further address the rejection of claim 11 in the future, if needed.

Regarding claim 31, in order to reject claim 31, the Patent Office merely referred to the rejection of claim 11. However, claim 31 is substantially different than claim 11. For instance, the first step of claim 31 (moving a first device ...) is not found in claim 11. Therefore, since the Patent Office did not address the step of moving the first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID, the Patent Office has failed to establish a *prima facie* case of obviousness.

However, even though the Patent Office failed to set forth a *prima facie* case of obviousness for claim 31, Applicant will address claim 31 with respect to the combination of Mimura and Johnson in order to expedite allowance and issue. First, the combination of Mimura and Johnson fails to teach or suggest moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID. Second, the combination of Mimura and Johnson fails to teach the first device operative to receive a wireless broadcast of at least one location ID, where the first device receives the at least one location ID via a wireless broadcast from a second device, selects the at least one location ID, transmits authentication information to the at least one second device, and receives a list of devices associated with the at least one location ID. As such, claim 31 is allowable.

Claims 32, 34-40, 54, and 55 are dependent claims ultimately based upon claim 31. As such, claims 32, 34-40, 54, and 55 are allowable for at least the same reasons set forth above with respect to claim 31. However, Applicant reserves the right to further address the rejection of claims 32, 34-40, 54, and 55 in the future, if needed.

Regarding claim 41, first, the combination of Mimura and Johnson fails to teach or suggest wirelessly broadcasting a location ID from a first device and wirelessly receiving the location ID on a second device. Mimura teaches broadcasting a device identifier, a password, and a command over a wired network. Thus, Mimura fails to teach wirelessly broadcasting a location ID and the reception thereof. Further, even if Johnson teaches a location ID, which Applicant does not concede, Johnson fails to teach wirelessly broadcasting a location ID and the reception thereof.

Second, the combination of Mimura and Johnson fails to teach entering, on the second device that received the broadcasted location ID, a password associated with the location ID. In

Mimura, the broadcast of the device identifier, the password, and the command are received by the recording apparatus. The password is already in the broadcast and is therefore not entered at the recording apparatus that received the broadcast. Further, the password in Mimura is associated with a device ID and is not associated with a location ID. Johnson fails to correct the deficiencies of Mimura. Even if Johnson teaches a location ID, which Applicant does not concede, Johnson fails to teach entering a password associated with the location ID at a device that receives a broadcast of the location ID.

Lastly, the combination of Mimura and Johnson fails to teach or suggest effecting the playing of a media item on the first device by the second device. In Mimura, the recording apparatus (second device) does not effect playing of a media item on the broadcast apparatus (first device). Johnson fails to correct this deficiency.

Since the combination of Mimura and Johnson fails to teach or suggest each and every element of claim 41, claim 41 is allowable. Further, since claims 42-44 are dependent claims ultimately based upon claim 41, claims 42-44 are allowable for at least the same reasons that claim 41 is allowable. However, Applicant reserves the right to further address the rejection of claims 42-44 in the future, if needed.

Regarding claim 50, first, the combination of Mimura and Johnson fails to teach or suggest moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID. More specifically, in Mimura, the recording apparatus receives a broadcast from the broadcast apparatus, wherein the broadcast includes a command, a device identifier, and a password. However, Mimura fails to teach: (1) moving the recording apparatus into a range of a wireless network or (2) that the recording apparatus is operative to receive a wireless broadcast of a location ID. Johnson fails to correct these deficiencies. Even if Johnson teaches a location ID, which Applicant does not concede, Johnson fails to teach moving a first device operative to receive a wireless broadcast of at least one location ID into a range of a network having connected thereto at least one second device operative to wirelessly broadcast the at least one location ID.

Second, the combination of Mimura and Johnson fails to teach receiving, at the first device, a location ID from the at least one second device via a wireless broadcast of the at least one location ID by the at least one second device. More specifically, in Mimura, the recording

apparatus (first device operative to receive a broadcast) receives a device ID, rather than a location ID, from the broadcast apparatus (second device operative to broadcast). Johnson fails to correct this deficiency. Even if Johnson teaches a location ID, which Applicant does not concede, Johnson fails to teach that the location ID is broadcast by one device and received by another.

Third, the combination of Mimura and Johnson fails to teach or suggest displaying, on the first device, the location ID received from the at least one second device. Mimura teaches that the recording apparatus (first device operative to receive a broadcast) receives a broadcast of a command, a device ID, and a password. However, Mimura fails to teach that reception of a location ID. Further, regardless of the fact that the received information in Mimura does not include a location ID, the recording apparatus of Mimura internally compares the received device ID and password to a stored device ID and password. The recording apparatus of Mimura does not display the received device ID. Johnson fails to correct this deficiency. Johnson also fails to teach displaying a location ID at one device, where the location ID was received via a broadcast from another device.

Fourth, the combination of Mimura and Johnson fails to teach or suggest entering, on the first device, a password associated with the selected location ID. More specifically, the password in Mimura is included in the broadcast received by the recording apparatus (first device operative to receive a broadcast) and is therefore not entered on the first device. Further, the password in Mimura is associated with a device ID rather than a location ID. Johnson fails to correct these deficiencies. Even if Johnson teaches a location ID, which Applicant does not concede, Johnson fails to teach reception of the location ID at a first device via a broadcast from a second device and then entry of a password associated with the location ID at the first device.

Lastly, the combination of Mimura and Johnson fails to teach or suggest selecting, on the first device, a song to be played on the at least one second device. More specifically, in Mimura, the recording apparatus (first device operative to receive a broadcast) does not select a song to be played on the broadcast apparatus (second device operative to broadcast). Johnson fails to correct this deficiency.

Since the combination of Mimura and Johnson fails to teach each and every element of claim 50, claim 50 is allowable. Further, since claims 51-53 ultimately depend from claim 50, claims 51-53 are allowable for at least the same reasons set forth above with respect to claim 50.

However, Applicant reserves the right to further address the rejection of claims 51-53 in the future, if needed.

Conclusion

The present application is now in condition for allowance. Reconsideration is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'R. CAB', with a long horizontal flourish extending to the right.

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